

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

KERRY L. SWITZER JR.,)
Plaintiff,)
vs.) 1:22-CV-00188-RAL
UNITED STATES POST OFFICE (PA),)
Defendant,)
RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE
ORDER ON MOTION TO SUBSTITUTE
IN RE: ECF NO. 17

The Federal Tort Claims Act (“FTCA”) provides a limited waiver of the United States’ sovereign immunity for “claims against the United States, for money damages ... for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment[.]” 28 U.S.C. § 1346(b)(1). The FTCA does not authorize lawsuits against federal agencies. *See* 28 U.S.C. § 2679(a). Here, Plaintiff Kerry L. Switzer, Jr., (“Switzer”) has sued the United States Post Office (“Postal Service”). *See* ECF No. 15. Thus, this action must be brought against the United States, not the Postal Service. *See, e.g., Dukes v. U.S. Postal Serv.*, 2011 WL 809257, at *1 (E.D.N.Y. Mar. 2, 2011); *Mignogna v. Sair Aviation, Inc.*, 937 F.2d 37, 40 (2d Cir. 1991) (“[A]n action [under the FTCA] must be brought against the United States rather than an agency thereof”). Accordingly, the Postal Service’s motion to substitute the United States as defendant in place of the Postal Service is granted. The Clerk of Court is directed to update the caption of this case to reflect this substitution.

ORDERED and DATED this 15th day of November, 2022.

BY THE COURT:



RICHARD A. LANZILLO
CHIEF UNITED STATES MAGISTRATE JUDGE